

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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M&T Bank

In Re:
Anthony C. Lamonica,

Debtor.



Order Filed on March 13, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-23382 VFP

Adv. No.:

Hearing Date: 3/5/2020 @ 10:00 a.m.

Judge: Vincent F. Papalia

ORDER RESOLVING MOTION FOR RELIEF FROM STAY

The relief set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

DATED: March 13, 2020

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: Anthony C. Lamonica

Case No: 19-23382 VFP

Caption of Order: ORDER RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, M&T Bank, Denise Carlon, Esq. appearing, upon a motion to vacate the automatic stay as to real property located at 768 Springfield, Summit City, NJ, 07901, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Scott E. Tanne, Esq., attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that the escrow disbursement of \$13,099.13 on September 11, 2019 for outstanding homeowners' association dues made by Secured Creditor on behalf of Debtor shall be paid through the Debtor's Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that the payment changes filed by Secured Creditor on October 10, 2019 and November 8, 2019 are hereby withdrawn; and

It is further **ORDERED, ADJUDGED and DECREED** that accordingly, as of February 24, 2020, Debtor is in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due September 2019 through February 2020 for a total post-petition default of \$10,749.47 (2 @ 2,152.91, 4 @ \$2101.57 less suspense of \$1,962.53; and

It is further **ORDERED, ADJUDGED and DECREED** that the debtor will make an immediate payment of \$1,944.38; and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$8,805.09 shall be added to the affidavit of amount due and paid through Debtor's Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that the debtor shall file a modified plan within thirty days of this order; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume March 1, 2020, directly to Secured Creditor care of its servicer, M&T Bank, P.O. Box 1288, Buffalo, NY 14240 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtor's Chapter 13 bankruptcy proceeding, if the lump sum payment or any regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtor shall have fourteen days to respond; and

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It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtor, and Debtor's counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtor's Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.